



Express Mail No. EV475140798US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: CANDELORA, et al. Confirmation No.: 7162
Serial No.: 10/800,402 Art Unit: 3751
Filed: March 11, 2004 Examiner: not yet assigned
For: WRITING INSTRUMENT Attorney Docket No: 603162-999030CIP
WITH CUSHIONING
ELEMENT

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice To File Missing Parts Of Non-Provisional Application, dated June 2, 2004, (a copy of which is attached hereto), submitted herewith are: (1) an original Declaration executed by the inventors; and (2) an executed Power Of Attorney By Assignee And Exclusion Of Inventors, for which an Assignment document is being concurrently filed under separate cover.

Accordingly, the following fees are believed to be due: (1) \$130.00 surcharge required for late filing of the Declaration (pursuant to 37 C.F.R. §1.16(e)); (2) \$770.00 to complete the filing fee for a utility patent application; and (3) \$664.00 total additional claim fees. Please charge the total required fee of \$1,564.00 to Jones Day Deposit Account No. 50-3013, along with any other deficiencies in fees due.

Respectfully submitted,

Date: July 27, 2004


Karen G. Horowitz 35,199
(Reg. No.)

Jones Day LLP
222 East 41st Street
New York, New York 10017
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7-29-04

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,402	03/11/2004	Andrew Candelora	603162-999030CIP

CONFIRMATION NO. 7162

FORMALITIES LETTER



OC000000012840048

20583
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

Date Mailed: 06/02/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/30/2004 GWORDOF1 00000016 503013 10800402 FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 DA
02 FC:1201 430.00 DA
03 FC:1202 234.00 DA
04 FC:1203 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

1051 130.00 DA

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$664** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1564** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$664**

- \$430 for 5 independent claims over 3.
- \$234 for 13 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

EJL

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE